IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 10056 of 2004

Between:

1 Smt. Eswaramma W/o. M. Anjaiah,
1-7-166/1, New Gunj, Mahabubnagar, Mahabubnagar Dist.
2 Smt. Kamalamma W/o. M. Chittari,
R/o. 5-229, Old Bowinpally, Secunderabad.

..... PETITIONER(S)

AND

The Municipality, Mahabubnagar, Mahabubnagar Dist rep. by its

Commissioner.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent municipality in not granting permission for construction of compound wall as illegal, arbitrary, unconstitutional and violation of provisions of A.P. Municipalities Act and consequently direct the respondent to grant permission for construction of compound wall by considering the petitioner's application dt. 1.12.2003 and 24.12.2003 duly approving the plan submitted and pass such other order or orders as this Hon'bel Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners:MR.B.MALLIKARJUNAPPA

Counsel for the Respondent: MR.P.RADHAKRISHNA

The Court made the following :

ORDER:

This writ petition has been filed by the petitioners who are two in number with a prayer to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent-Municipality in not granting permission for construction of compound wall as illegal, arbitrary, unconstitutional and violation of provisions of A.P. Municipalities Act and consequently direct the respondent to grant permission for construction of compound wall by considering the petitioners' application dated 01.12.2003 and 24.12.2003.

Heard the learned counsel for the petitioners and the learned standing counsel appearing on behalf of the respondent-Municipality.

Learned counsel appearing for the petitioners submits that the respondent-Municipality having suffered a decree in O.S.No.148 of 1990 is not justified in lying over the application filed by the petitioners seeking permission for construction of compound wall. He further submits that the alleged rejection order has not been communicated to the petitioners at any time.

Learned counsel appearing for the respondent-Municipality submits that the

applications filed by the petitioners have been considered and permission sought for has been rejected and the same has been communicated.

The mode of communication of rejection order is not very much relevant for the purpose of disposal of this writ petition. It is suffice to say that the applications filed by the petitioners seeking permission for construction of the compound wall have been rejected by the respondent under proceedings No.G/BA/No.80781/2003 dated 15.12.2003. Such is the situation, the petitioners are at liberty to challenge the rejection order in appropriate forum. Giving liberty to the petitioners this writ petition is disposed of. Learned counsel for the petitioners submits that a copy of the rejection order has not been communicated. Without going into the question whether copy of this order has already been communicated or not, the respondents are directed to furnish a copy of it within ten days. There shall be no order as to costs.

08.07.2005

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To

1. The Commissioner, Municipality, Mahabubnagar, Mahabubnagar District.

2. 2CD copies.